

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:286
ANSWERED ON:22.03.2017
Infrastructure in Courts
Khan Shri Md. Badariddoza

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the status of development of infrastructure facilities and computerisation in the courts;
- (b) whether the Government is aware of shortage of Court Rooms and other infrastructure in the Courts across the country resulting in tardy disposal of cases in such courts and if so, the details thereof and the reasons therefor;
- (c) the sanctioned strength of Judges in the Courts including Subordinate Courts and the number of posts lying vacant at present, Court-wise along with the reasons therefor; and
- (d) the corrective steps being taken by the Government to fill up the vacant posts and provide adequate infrastructure in the Courts at the earliest?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO. *286 FOR ANSWER ON 22ND MARCH, 2017.

(a) to (d) : The development of infrastructure facilities for judiciary is the primary responsibility of the State Governments. However, in order to augment the resources of the State Governments, a Centrally Sponsored Scheme (CSS) for development of infrastructure facilities for judiciary has been in operation since 1993-94. Financial assistance to the tune of Rs. 5,479 crore has been provided to the States and Union Territories since inception of the Scheme, out of which an amount of Rs. 2,034 crore has been sanctioned since May, 2014. The Government is also implementing eCourts Mission Mode project which broadly covers computerisation of district and subordinate courts.

As per information received from the High Courts and the State Governments, 16,513 court halls were available for Subordinate Judiciary as on 31.12.2015 against the working strength of 16,528 judicial officers as on 30.09.2016. Further, 2,447 court halls were under construction. In addition, 14,420 Residential Units were available for Judges / Judicial Officers of District and Subordinate Courts and 1,868 under construction as on 31.12.2015.

The national e-Courts portal (<http://www.ecourts.gov.in>) has been made operational. It provides online services such as case registration, cause lists, case status, daily orders and final judgements. As per the information available on the National Judicial Data Grid (NJDG), there are 19,982 computerised courts in the country as on 17th March, 2017. Phase II of the eCourts MMP is approved on 16th July, 2015 for the duration of four years or until the project is completed, whichever is later, at the cost of Rs.1,670 crore.

The filling of vacancies of Judges / Judicial officers in Districts and Subordinate Courts is within the domain of the State Governments and the High Courts concerned. However, as per the Court News (July-September, 2016) of Supreme Court, the details of sanctioned and working strength and vacancies of Judges / Judicial Officers in District and Subordinate Courts as on 30.09.2016 are given in the Statement Annexed.

The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for courts including computerisation, increase in strength of judicial officers / judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

In addition, following steps have also been taken by the Government in the matter.

- (i) The sanctioned strength of Judges of High Courts has been increased from 906 judges in June 2014 to 1079 judges in May, 2016.
- (ii) The sanctioned strength of the subordinate judiciary has been increased from 20,174 at the end of 2014 to 21,374 in September, 2016.
- (iii) The filling of vacancies of Judges / Judicial officers in Districts and Subordinate Courts is within the domain of the State Governments and the High Courts concerned. However, Government takes up the matter with the High Courts from time to time to fill up the vacancies of Judges / Judicial Officers of District and Subordinate Courts.
- (iv) In May 2015, a communication was addressed to the Chief Justices of High Courts requesting them to apprise the action being

taken to make the recruitment process more broad based to fill up the existing vacancies of judicial officers / judges at all levels in the District and Subordinate Courts to enable the Government to take a view on the need for formation of All India Judicial Service. Most of the High Courts have indicated that the recruitment process which is in their domain for vacancies in subordinate judiciary at all levels has been expedited in terms of the resolution passed in the Conference of Chief Justices held in New Delhi in April 2015. The selections for the various posts in subordinate judiciary are being conducted by State Governments / High Courts in consonance with the directions of the Hon'ble Supreme Court in Malik Mazhar Sultan case Vs UP Public Service Commission.

(v) All State Governments have notified the State Litigation Policies so as to reduce Government Litigations. National Litigation Policy is on the anvil.

(vi) Promotion of Alternative Dispute Resolution (ADR) mechanism is a key strategy for reducing delays and pendency in courts.

(vii) National Legal Services Authority (NALSA) is a key tool for access to justice for poor people in India, under the overall supervision of the Chief Justice of India as the Patron-in Chief. It organised the National Lok Adalat in February, 2017. 6.39 lakh pending cases and 2.95 cases at the pre-litigation stage were disposed.

(viii) 1175 obsolete laws have been repealed.

(ix) Recently, the Government has launched a nation-wide drive to reduce the number of cases pending in courts by curtaining the Government litigations. The Government has written to all Ministers of Central Ministries and Chief Ministers of States to launch 'special arrears clearance drives' to reduce pending cases and minimize fresh litigations.

(x) Based on the proposals received from the High Court Collegium, during the year 2016, 126 fresh appointment of Judges in High Courts and 131 Additional Judges were made permanent, which is the highest number of appointments made in the last 26 years. In addition, the tenure of 22 Additional Judges of High Courts was also extended. Besides, based on the proposal received from the Supreme Court Collegium, 4 judges were appointed in the Supreme Court in 2016. During the current year (2017), as on date, 5 more Judges has been appointed in Supreme Court, 9 more Judges have been appointed in High Courts and 16 more Additional Judges have been made permanent.

(xi) The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, inter-alia, establishing 1800 FTCs for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property / rent disputes pending for more than five years at a cost of Rs. 4144 crore. The 14th Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Hon'ble Prime Minister had written to all Chief Ministers on 23rd April, 2015 followed by reminders from the Hon'ble Minister of Law & Justice to make available the fund recommended by the 14th Finance Commission to judiciary from the additional fiscal space available under the 14th Finance Commission.

(xii) As per the resolution adopted in the Joint Conference held in New Delhi on 24th April, 2016, The Government vide its letter dated 26th September, 2016 requested the State Governments to strengthen the institutional mechanism between the State and the Judiciary where the Chief Secretary and his team and 2 or 3 Judges of the High Court to regularly meet and monitor utilisation of plan fund and timely completion of infrastructure and eCourts Mission Mode project. The States have also been requested to assist Judiciary in preparing perspective / annual plan for various activities to be undertaken in the justice sector on account of enhanced devolution of funds to the States under the 14th Finance Commission. In addition, the States were requested to provide technical manpower for ICT upgradation.

(xiii) The Government vide a letter dated 3 Feb 2017, addressed the Chief Justices of the 24 High Courts, raising concerns regarding the increased number of undertrials in jails across the country. The Government, in underscoring the importance of fair trial for every accused, requested the High Court to advise the district judiciary to ensure effective implementation of Section 436A Code of Criminal Procedure and ensure periodic monitoring of the associated Undertrial Review Committee mechanism. So far, two High Courts – Punjab and Haryana High Court and Madhya Pradesh High Court – have responded to this letter who have assured action on this front.

(xiv) As per the direction of the Hon'ble Supreme Court in its Order dated 02.01.2017 in the matter of Intiyaz Ahmed Case, the Department of Justice has forwarded a copy of interim report of the NCMS (National Court Management System) Committee to all State Governments and High Courts to enable them to take follow up action to determine the required Judges Strength of district judiciary based on the NCMS report.

(xv) Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 has been notified on 1st January, 2016 to have a streamlined procedure for the conduct of cases in the Commercial Division and in the Commercial Court by amending the Code of Civil Procedure, 1908 (CPC) for commercial cases so as to improve the efficiency and reduce delays in disposal of commercial cases.

(xvi) Necessary amendments have been made to Arbitration and Conciliation Act, 1996 to make the award within 12 months, to resolve the dispute through fast track procedure, to ensure Neutrality of arbitrators, and to restrict the term 'Public Policy of India' (as a ground for challenging the award)

(xvii) The Negotiable Instruments (Amendment) Act 2015 has been notified to clarify the jurisdiction where dishonour of cheque cases may be filed and provide for transfer of cases to the appropriate jurisdiction and consolidation of multiple cases filed in different courts.

Annexure

Statement referred to Lok Sabha Starred Question No.*286 for reply on 22.03.2017 regarding infrastructure in courts

Sanctioned Strength, working strength and vacancies of judges in the various Subordinate Court in the country as on 30.09.2016

Sr. No. Name of the State / UT Total Sanctioned Strength Total Working Strength Vacancy

1. Uttar Pradesh 2,262 1,674 588

2. Andhra Pradesh & Telangana 975 798 177

3(a) Maharashtra 2,257 2,248 9

3(b) Goa 57 46 11

3(c) Diu and Daman 7 6 1

3(d) Silvassa

4(a) West Bengal 1,013 885 128

4(b) Andaman & Nicobar
5. Chhattisgarh 395 334 61
6. Delhi 793 491 302
7. Gujarat 1,953 1,133 820
8(a) Assam 424 314 110
8(b) Nagaland 34 25 9
8(c) Mizoram 63 30 33
8(d) Arunachal Pradesh 26 17 9
9. Himachal Pradesh 155 145 10
10. Jammu & Kashmir 246 219 27
11. Jharkhand 671 454 217
12. Karnataka 1,299 923 376
13(a) Kerala 470 415 55
13(b) Lakshadweep 3 3 0
14. Madhya Pradesh 1,461 1,233 228
15. Manipur 41 34 7
16. Meghalaya 57 41 16
17(a) Tamil Nadu 1,038 948 90
17(b) Puducherry 26 14 12
18. Orissa 863 606 257
19. Bihar 1,825 1,016 809
20(a) Punjab 674 548 126
20(b) Haryana 644 505 139
20(c) Chandigarh 30 30 0
21. Rajasthan 1,203 1,081 122
22. Sikkim 18 14 4
23. Tripura 106 78 28
24. Uttarakhand 285 220 65
Total 21,374
16,528
4,846*

*Vacancies in Subordinate Courts are to be filled up by the concerned High Courts / State Government.